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2015

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citation for published version (APA)

Verstegen, S. W. (2015). *Adjusting the horrors of civil war. Reforming the senate in small power democracies in the nationalistic crises of the 1860's: Canada, Denmark and Sweden*. Abstract from Trans Atlantic Studies Association 14th annual conference RSC Middelburg.

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Transatlantic Studies Association 14th Annual Conference RSC Middelburg 6-8 July 2015

[PPT Slide 1]

Adjusting the horrors of civil war. Reforming the senate in small power democracies in the nationalistic crises of the 1860's: Canada, Denmark and Sweden

[PPT slide 2]

By Nikolaj Bijleveld (University of Groningen) and Wybren Versteegen (Free University Amsterdam)

George Brown (1818- 1880), member of the Legislative Assembly (the 'lower house') of the province of Canada and one of the 'Founding Fathers' of the modern state of Canada, spoke these famous words in a session of the assembly in February 1865:

'We are striving to do peacefully what Holland and Belgium, after years of strife, were unable to accomplish. We are seeking by calm discussion to settle questions that Austria and Hungary, that Denmark and Germany, that Russia and Poland, could only crush by the iron heel, or armed force. [PPT Slide 3] We are seeking to do without foreign intervention that which deluged in blood the sunny plains of Italy. We are striving to settle forever issues hardly less momentous than those that have rent the neighbouring republic and are now exposing it to all the horrors of civil war.'

[PPT Slide 4]

Source: Janet Ajzenstat et al., eds, *Canada's Founding Debates*, (University of Toronto Press, 2003) page 14.

The founding of the Canadian Confederacy is, as a matter of course, one of the most discussed topics in Canadian historiography. Despite Brown's moving speech however, the emphasis up till now was not on the international constellation of political affairs in the Western world, but on the theoretical level. We would like to make another addition to the Canadian historiography by deliberating further on the statement of George Brown and its implications for the study of the transatlantic world. Brown was aware (as his audience was) of the many political tensions in the Western world. The, in our eyes, remarkable solution Brown (and others) advocated was that somehow a break should be set on 'democracy'. One of the most important tools to accomplish this was to do away with an elected Legislative council or upper house and turn to nominated candidates. In our tentative research, we would like to stress that this move of the Canadians was paralleled in countries like Denmark and Sweden. We should not be too surprised to hear no word from Scandinavian politicians about the developments in America, but, as the Canadians, they knew all about the political ruptures 'identity' could create in their own region. It was at their doorstep as Scandinavia and the Baltic were in the 19th century the scenes of nationalistic turmoil and the atrocities of war. When comparing these small democracies across the Atlantic, we will show you how much they shared as regards their concerns for the future of the nation and their motives to change the political system. They also showed remarkable similarities in their reactions towards liberalism and nationalism: in those years 1865 and 1866, conservative elites succeeded in creating a strong senate in these three countries.

[PPT slide 5]

Let us first have a look at Canada.

[PPT slide 6]

Between the conquest of Québec by the British in 1760 and the founding of Canada as an independent country under the British crown in 1867, many political solutions were tried out to create a modus vivendi between the Anglo- and French speaking 'races' (as they were called). The complications began in earnest after the American Revolution when loyalist fled to the north to escape the wrath of the American rebels.

[PPT Slide 7]

To solve this problem of a bi-lingual colony, the British first divided their colony in 1791 in two provinces: Upper Canada for the loyalist Anglophones and Lower Canada (Québec) for the Francophone and catholic population. Each province was given an elected Legislative Assembly ('lower house'), an appointed Legislative Council (or 'upper house'), and an appointed Executive. The Catholic church and the old French, partly seigneurial, elite were able to work in close cooperation with the British and keep 'French' Canada intact as an ethnic entity.

During the 19th century debates about the future of Canada abounded. In the 1830's a vigorous patriotic and republican movement opted for democratic reform and tried its luck in armed rebellions but these were easily put down by the military.

[PPT slide 8]

The signal that reform was necessary, however, was not lost and responsible government became the rule.

[PPT Slide 9]

Conservative and anti- French riots, especially the burning down of the parliamentary building in Montreal in 1849, could not stop this: From 1848-49 onwards the members of the executive needed support from a majority of a *single* housed parliament of elected representatives of the (since 1840) united Lower and Upper Canada. So, when the Canadians (not the British!) proposed in 1867 to reinstate an *appointed* senate for their independent nation besides the elected house of commons, this was a quite remarkable development. A 'turning back' of the political clock in an age of democratic and nationalistic upheavals.

[PPT Slide 10]

As the quote of Georg Brown shows, the Canadians feared war and civil wars resulting from ethnic and nationalistic tensions. Brown could have added that religion might split countries apart as well, as the Irish rebellion of 1798 had proved. Remarkable is that, according to Canadian politicians, democracy was the black sheep. Etienne Cartier, speaking for the Francophones wrote: *They (the Americans) had founded a federation for the purpose of carrying out and perpetuating democracy ...; but we, ... saw its defects, and felt convinced that purely democratic institutions could not be conducive to the peace and prosperity of nations.*

The 'democratic' problem here was that the US senate, in which every state had the same number of elected representatives, was seen as a vehicle for secession, especially as each state claimed to be as autonomous as possible. The Canadian historian Ian Gentles summarized the feelings of most parliamentarians in the legislative assembly who wanted a strong nation and feared '*anarchic republicanism of the sort found in the United States, France and Ancient Rome*'.

The new senate was at the core of the political debates in the 1860's It took place under the constant fear for a US military invasion: the Monroe doctrine was not very popular in Canada. The new senate

should prevent secession (esp. of the Francophones), but also the domination of minorities (like the slaveholding states in the US), and should buffer a strong central authority. So, what did this new senate look like? The new Canadian senate could block all propositions coming from the 'lower' house, preventing 'mob rule' à l'Américaine. All provinces were represented, more or less according to the number of inhabitants and no province held a majority in the upper house. So, regional views and interests were looked after. Senators were however *appointed* by the executive which was seen as a way of making them both representatives of their province and of the central authorities, but not responsible to a supposed whimsical electorate as in the US. This construction should prevent minorities to secede from the federation. An old aristocracy hardly existed in Canada, but the senators had to be men of some means and wisdom to make them act 'calmly': their minimum age was set higher than those of the parliamentarians in the lower house, as was their required amount of property.

[PPT slide 11 So, Canada 'expelles' the US]

What happened in Scandinavia in this period? Sweden and Denmark have always been closely interlinked. Not only in linguistic and cultural, but also in political respect. . The Danish liberal constitution in 1848 for example was inspired by the Norwegian constitution from 1814 – instigated by the Danish Crown Prince, which also inspired the liberal Swedes in the 1860s in their struggle for political reforms. The political scope of the northern countries was however not limited to Scandinavia. The Scandinavian constitutions and political thoughts in the first half of the nineteenth century were inspired by the American and French revolutions in the eighteenth century, by the Spanish Constitution of 1812, the Belgian constitution from 1830 as well as the Dutch constitution from 1848.

[PPT slide 12]

In that year, 1848, showed how much Scandinavia was part of the political turmoil. A revolt started in the duchies Schleswig and Holstein, through the Danish royal house connected to Denmark. A German speaking movement, reacting against the Danish liberal 1848 constitution and striving for close internal connection and eventually secession from Denmark, found support in Germany. This revolt was a nationalistic battle as well since the bourgeois, primarily liberal voice in the major Danish cities called for a unification of Schleswig and Denmark. The battles ended in 1850 when the Danish army beat the Schleswig-Holsteinians.

[PPT Slide 13]

However, the problems had not been solved. We see two opposing nationalistic positions. One of the manifestations of the national liberal policy was a new constitution actually incorporating Schleswig into Denmark in 1863. Since this was against international treaties, Otto von Bismarck saw an excuse for military intervention. In 1864 the Danes were defeated. Schleswig and Holstein were lost.

[PPT slide 14]

As in Canada, these revolutionary events continued shaping politics even after they had lost their momentum. The newly drawn borders required a new constitution. It was more complicated than just dropping the new and returning to the 1848 constitution. The new Danish king and his conservative men opted for a more conservative solution. The 1866 constitution retained from the 1848 constitution the rules regarding the house of representatives (Folketinget), but the Senate (Landsting) changed substantially. Whereas the house of representatives remained liberal, it is important to note that the conservative tendencies primarily became manifest in the Senate. The arguments for this new conservative senate are relevant in several respects.

[PPT slide 15]

J.B.S. Estrup, minister and later prime minister, owner of a large property, stressed that a 'truly independent and conservative senate ... has its best foundation in land property'. The name of the Senate, Landsting, even refers to this idea. (Landsting means the meeting place of the countryside.) The election of the conservative elite was to be guaranteed by giving only the highest taxpayers in the city the right to choose and in the countryside to especially give the large landowners voting right. Estrup was against universal suffrage: 'the 'greatest folly in this otherwise so abundantly foolish age.' It would add, he stated, to 'liberalism, radicalism, socialism and anarchism' and to the 'collapse of everything we have learned to respect and love.'

[PPT slide 16]

These ideals were supported by Jens Anders Hansen, a shoemaker, politician and editor with conservative ideas, who in 1865 addressed the second chamber. He argued that it is important "to seek ones candidates [for the senate] in the different regions of the country, that no large part is to come from one place in the country [i.e. the capital Copenhagen] ... where the majority of the people live, where certain parties [the national liberals] press had so much influence, and where the forces are so united, that one often makes mistakes when looking for a candidate."

Thus, the redesigning and composition of the Danish senate was a reaction against the national liberalism that had caused the breakdown of the Danish realm. These accusations contributed to the return of the aristocratic great landowners, thereby restoring the position of the old elite in such a way that it actually captured Danish politics until 1901.

[PPT slide 17 which made the Landsting a not so popular institution]

Reading text on the slide: This part of the frieze shows sheep, goats, and young cattle bleating, chewing the cud, and defacating. This very likely reflects the artist's (Rasmus Larsen) attitudes towards the Landsting, i.e. the Upper Chamber, and it's conservative role as protector of the status quo in relation to the Folketing (Lower Chamber).

[PPT Slide 18]

In Sweden, the search and need for political reforms were inspired by the liberal movements in Europe as well. In Norway, since 1814 under the Swedish Crown, a liberal movement was asking for more freedom. Carl XV meanwhile was striving to unite the Nordic countries once again, but now under the Swedish Crown, as a strong power state against Russia. He even promised the Danes military aid in their battle against Prussia in 1864, but was forced by his ministers to break his promise. Supporters of the Scandinavian union obviously had a keen eye for the developments in Poland, and the Risorgimento movement in Italy as well.

[PPT slide 19]

Against the background of the international as well as the domestic situation the call for a bicameral system replacing the Diet made up of four estates increased. Baron Louis de Geer, prime-minister for justice, played a crucial role in the reforms in the 1860s.

[PPT Slide 20]

In his memories, published in 1906, a promemoria from 1861 is included. He suggested a representation of cities and countryside and, secondly, a house whose members are appointed for a longer period and elected among the well educated and rich. He stresses that this political body consisting of a conservative elite is best suited against rash decisions and as such, it was meant to function as defense mechanism against the liberal and revolutionary tendencies of his era.

Some years later, in 1863, De Geer repeated his suggestion for a bicameral system as a means to avoid rash decisions: suffrage was limited to ensure that only the people who had time, political

interest and sufficient independence could participate in the political system. During four long days in December 1865 the nobility and knighthood discussed the proposal.

[PPT Slide 21]

All members of the nobility, defending as well as opposing the proposal, were praised for their love for country and nation. The reforms as such, were interpreted as a patriotic deed. The opponents from the nobility however feared the loss of power and the increased influence of the commoners on the government and the monarchy. Typical for the role of the Senate in this period is a remark by De Geer, he recalls a suggestion to make the senate more conservative and royalist even if this meant accepting the house of representatives becoming more democratic. Nevertheless the proposal was accepted by all four estates

[PPT Slide 22]

, giving Sweden in 1866 not only it's place among the countries with a bicameral system, but also giving Sweden it's place, also in this paper, among the countries that had assured a conservative senate primarily consisting of privileged members of society (nobility) that had great influence on politics for many decades.

[PPT Slide 23]

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Concluding remarks

The 19th century is often seen as an age in which democracy started an unstoppable advance against the forces of reaction. However, for contemporaries, there were some important stains on the democratic reputation. On both sides of the North Atlantic in the 1860's, conservative politicians observed a link between democracy, bourgeois liberalism and devastating armed conflicts. Finding inspiration in both American and European examples, these men used constitutional reforms to put a break on democratic tendencies. In practice, this break was sought in creating a strong senate were men of means and maturity, belonging to the old elites (in the case of Scandinavia) and representing the regional interests of their countries, could hold off 'hot-headed' reforms by the lower houses in their countries. These were not isolated events, though. Interpreting the conservative reactions in these small democracies of Scandinavia and Canada not in a national setting but in a transatlantic perspective helps us to fully understand them